



Pet. dec.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Technology Center 1700

JUN 29 2004

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In re application of  
Robert DeHann et al  
Serial No. 09/787,668

Filed: June 08, 2001

For: PROCESS FOR PRODUCING MIDDLE DISTILLATES AND  
MIDDLE DISTILLATES PRODUCED BY THAT PROCESS :

: DECISION ON  
: PETITION

This is a response to the PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT, filed April 15, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of March 16, 2004, for failure to timely file a proper response to the Office letter dated July 02, 2003 be withdrawn. The petitioner asserts that applicants timely filed a proper response and a Petition for Extension of Time to the Office letter of July 02, 2003 on August 19, 2003.

**DECISION**

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence presented is sufficient to establish that the applicants did file the proper response to the Office letter of July 02, 2003 in a timely manner. The evidence provided includes: 1) a copy of the response and accompanying papers filed August 19, 2003 (Exhibit B); and 2) a copy of the returned stamped postcard confirming receipt of the Response to Restriction Requirement, Petition for one Month Extension of Time, Check in the amount of \$110.00 and Transmittal letter by the USPTO dated August 19, 2003 (Exhibit C).

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application will be forwarded to the Technical Support Staff



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for entering of the Response dated August 19, 2003 and then forwarded to the examiner for prompt consideration.

The Petition is **GRANTED**.

JStone

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